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TRANSCRIPT OF PROCEEDINGS

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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IN THE MATTER OF:

MM DOCKET NO. 93-75

TRINITY BROADCASTING OF FLORIDA, INC.
and
GLENDALE BROADCASTING COMPANY
Miami, Florida

24 DATE OF HEARING: January 13, 1994 VOLUME: 27
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FREE STATE REPORTING, INC.
Court Reporting Depositions
D.C. Area (301) 261-1902
Balt. & Annap. (410) 974-0947

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OFFICE OF THE SECRETARY

In the matter of:

TRINITY BROADCASTING OF FLORIDA, INC.
and
GLENDALE BROADCASTING COMPANY

MM DOCKET NO. 93-75

Miami, Florida

The above-entitled matter came on for hearing pursuant to Notice before Judge Joseph Chachkin, Administrative Law Judge, at 2000 L Street, N.W., Washington, D.C., 20554, in Courtroom No. 3, on Thursday, January 13, 1994, 9:30 a.m.

APPEARANCES:

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1 P R O C E E D I N G S

2 JUDGE CHACHKIN: Good morning. On the record. Mr.
3 Cohen?

4 MR. COHEN: Thank you, Your Honor.
5 Whereupon,

6 PHILIP DAVID ESPINOZA
7 having previously been duly sworn, was called as a witness
8 herein and was examined and testified as follows:

9 CROSS-EXAMINATION

10 BY MR. COHEN:

11 Q Now, sir, I wanted to focus you on the period of
12 time that you were a Director of, of TTI and NMTV and com-
13 mencing at the beginning in 1980, through -- up through the
14 time that you resigned in 1990.

15 Do you have a -- did you and your co-Directors --
16 strike that.

17 Let me first make you aware of the fact that the By-
18 Laws of the -- of Translator Television, Inc., provides that
19 there could be between three and ten Directors. You can
20 accept that as a fact.

21 A Yes.

22 Q Did, did you and your fellow Directors ever talk
23 about increasing the number of Directors so that more minori-
24 ties members could be appointed as Directors of TTI?

25 A Not to my recollection. I may be wrong, but I don't

1 remember.

2 Q You have no recollection of --

3 A No, sir.

4 Q -- hearing that coming from either Mr. Crouch or, or
5 Mrs. Duff, the idea that more Directors should be elected and
6 they should be minority members, thus TTI could further its
7 minority mandate? You heard nothing along those lines?

8 A Not that I can recall.

9 Q Now, you remember there came a time that the -- that
10 NMTV constructed the station in Odessa?

11 A Yes, sir.

12 Q Okay. And was there any discussion that you can
13 recall among the Board members at that time about hiring
14 minorities over and beyond what the FCC required in order
15 to --

16 MR. TOPEL: I object, Your Honor.

17 JUDGE CHACHKIN: You haven't heard the end of the
18 question. You can finish the question. Go ahead with --

19 BY MR. COHEN:

20 Q In order to -- for NMTV to -- strike that. I want
21 to ask another question.

22 Did you ever, did you ever have any recollection of
23 discussing with your fellow Board members the hiring of em-
24 ployees in the Odessa station?

25 A Mr. Cohen, I'm under the impression that we did.

1 Q Now, the woman that was hired to be the, the manager
2 of the Odessa station was a woman named Darlene Eve. You can
3 accept that as a fact.

4 A Yes, sir.

5 Q Do you know if she was a member of a minority group?

6 A I believe not, sir.

7 Q Do you know how many employees were hired at the
8 Odessa station?

9 A No, I do not.

10 Q Would you put before the pastor the Joint Exhibit 1,
11 please?

12 Pastor, let me tell you what this document is that
13 is being put before you.

14 MR. HOLT: The document is now before the witness.

15 BY MR. COHEN:

16 Q This, this is what, what we call a stipulation,
17 which means all of the Parties have agreed that this should be
18 in evidence, and this was prepared by the outside accountants
19 for Trinity and NMTV and the Judge has permitted this to come
20 into evidence.

21 A Yes, sir.

22 Q So, that's what you have before you. And what I
23 want to do is ask you to look at paragraph 32 of that document
24 and read it to yourself.

25 (Pause.)

1 MR. ESPINOZA: Yes, sir.

2 BY MR. COHEN:

3 Q Now, my question is is the information set forth in
4 paragraph 32 new to you or do you recall being aware of this
5 before? Now, I can go through this sentence by sentence if
6 necessary. If you know some -- if some of it is familiar and
7 some of it isn't, I will do that. But I first want to ask you
8 that general question.

9 A Very vaguely, Mr. Cohen.

10 Q When you say vaguely, what do you mean, sir?

11 A I, I seem to recall some discussion, but I can't be
12 100 percent. I'm -- I don't remember, sir.

13 Q Well, let me ask you this in order to facilitate
14 this. Do you recall any of the information, any of the infor-
15 mation that's set forth in paragraph 32?

16 A No, not 100 percent.

17 Q I want to ask you to read paragraph 33.

18 A Yes, sir.

19 Q Now, is that -- is the information set forth in
20 there all new to you or do you recall that you knew some --
21 you -- do you recall that you knew some of that information?

22 A Mr. Cohen, much of this I honestly don't remember.
23 I have a very vague recollection, but I'd be lying if I said
24 otherwise.

25 Q I understand. Let me ask you to look at paragraph

1 37. And you'll notice in the middle of the paragraph it says,
2 "By the end of 1988 NMTV's indebtedness to TBN had increased
3 to \$1,859,943, by the end of 1989 to \$3,735,571." My question
4 is, as you sit here today, is that new news to you or did you
5 know at the end of -- did you know that this was NMTV's in-
6 debtedness at the end of 8-- 1989?

7 A This, this portion I really don't recall at all, Mr.
8 Cohen.

9 Q So, this is the first time you're aware of this?

10 A I'm just saying I don't recall it. This, I really
11 don't recall it. I may have seen it, but I honestly don't
12 recall it.

13 Q Now, you know -- you can accept as a fact that, that
14 this is what NMTV's debt was --

15 A Yes, sir.

16 Q -- to TBN at the end of 1989. We've all agreed on
17 that, so that's a fact. You can, you can rely on it.

18 Do you know whether that sum was the subject of a
19 promissory note? Strike that.

20 Do you know what a promissory note is, pastor?

21 A (No audible response.)

22 Q Let me tell you what -- are, are you familiar with
23 the term promissory note?

24 A Yes, sir.

25 Q You are. Okay. Was that sum of sev-- of \$3,735,000

1 the subject of a promissory note?

2 A I don't recall.

3 Q Do you know whether there was any security for that
4 loan?

5 A No, I don't.

6 Q Do you know whether any interest was charged on that
7 loan?

8 A No, I don't, sir.

9 Q Do you know whether there was any repayment
10 schedule?

11 A I don't recall that either, sir.

12 Q I want you to read paragraph 40, if you would,
13 yourself.

14 (Pause.)

15 MR. ESPINOZA: Sir?

16 BY MR. COHEN:

17 Q Yes. Did, did you or do you have any knowledge of
18 what NMTV's legal expenses were for 1987, 1988, and 1989?

19 A No, I do not, sir.

20 Q Were you ever informed as to what the legal expenses
21 of NMTV were for any of these years?

22 A Not that I recall, sir.

23 Q Now, pastor, one final question, question on this
24 document. Look at page 23 of the, of the document, and just
25 look at the year 1988 and 1989. And what I want you to focus

1 on is the Odessa zip revenue. Do you see that?

2 A Yes.

3 Q First, do you have an understanding of, of how the
4 Odessa station received income, what the formula was or the
5 mechanism was whereby it received income?

6 A Well, for one, I know that it was loans from TBN,
7 sir.

8 Q I'm sorry. I confused you. I'm talking about money
9 that came to the station from solicitations. That's what I
10 meant by income. In other words, what, what, what was your
11 understanding of how the so-- the Odessa station attracted
12 income or attracted money to come into it, other than from
13 TBN? That's my, my question.

14 A I, I don't recall, sir.

15 Q Are you familiar with a, with a formula, a zip code
16 formula? Does that strike a bell with you?

17 A Yes, sir.

18 Q Okay. What's your understanding of the zip code --
19 what, what's your understanding of what the zip code formula
20 was for Odessa?

21 A Well, you kind of gauge the amount of revenue that
22 is coming in from the different zip code areas, sir. That was
23 my understanding.

24 Q And was there a basis for some of the money going to
25 TBN and some of the money going to NM-- to, to NMTV? Do you

1 have a recollection of that?

2 A Mr. Cohen, I remember talking about it with, with
3 Mrs. Duff, but I couldn't give you any details right now, sir.
4 I honestly don't remember.

5 Q Okay. Now, what is -- what was your understanding
6 as, as to how the, the bookkeeping and accounting services for
7 -- requirements for TTI and NMTV? How were they being met?
8 Do you have an understanding on that point?

9 A No, Mr. Cohen. At this point I, I couldn't say.

10 Q Well, you know, of course, your experience in the
11 church, as a business you have to have some provision for
12 taking care of the money that's coming --

13 A Sure.

14 Q -- in and the money that's going out?

15 A Sure.

16 Q In your church you handle it a --

17 A Yes.

18 Q -- certain way? Do you have a recollection of how
19 TTI and NMTV handled that matter?

20 A No, I really don't recall, sir.

21 Q Now, is it fair to say, pastor, that you looked upon
22 NMTV as an extension of TBN in terms of preaching the gospel?

23 A I knew it was an affiliate with, with the same
24 purpose, with the same objectives, preaching the gospel, yes,
25 sir.

1 Q Well, let me show you a document that, that relates
2 to what I have in mind, and I'm talking about Mass Media
3 Bureau Exhibit 76.

4 MR. TOPEL: That would be in Volume number 2.

5 BY MR. COHEN:

6 Q And turn to page 5 of that document. Well, I don't
7 think we're looking at the same document. Let me help you,
8 pastor.

9 A Okay.

10 Q I don't want to get myself in another hearing. 76.
11 Is that 77 that you're looking at? Let me help you.

12 A 76?

13 Q Page 4. Now, let me help you. 77. Do you see that
14 handsome fellow there?

15 A No, sir.

16 Q Do you see that handsome fellow there?

17 A No, sir.

18 (Laughter.)

19 BY MR. COHEN:

20 Q Pastor, you're, you're a -- you, you continue to be
21 a good-looking guy, but that, that's you when you were a
22 younger man, I take it. Is that right?

23 A Hmm.

24 Q Time does that to all of us, pastor.

25 A Boy, does it ever. I'm sorry.

1 Q Except for the Judge. You see, judges never -- you
2 know, they always look, look the same.

3 When you -- you're familiar, of course, with the
4 Praise the Lord journal, aren't you?

5 A The Newsletter?

6 Q Yes.

7 A Yes, sir.

8 Q --

9 A Yes, sir.

10 Q And did, did you -- that back in May of '84? Was
11 that something that -- were you on their mailing list?

12 A Yes, sir.

13 Q And you received it regularly?

14 A Yes, sir. Every month.

15 Q I take it you read it?

16 A Sometimes.

17 Q Well, is this the first time that you've ever seen
18 this little insert here?

19 A No. The picture I see quite often. My mother still
20 has it pinned onto her mirror.

21 Q Sure. That's what, that's what mothers do.

22 A It is.

23 Q But this is not the first time you've read this
24 little squib?

25 A No, it's not, sir.

1 Q And there are several of these which I can point out
2 to you that appear. But you were a-- I take it, then, back in
3 1976 you were aware of, of, of the fact that the Newsletter
4 was des-- was describing the Felicidad program as, as set
5 forth therein?

6 MR. TOPEL: Objection. The document is not dated
7 1976.

8 MR. COHEN: Excuse me. The point is well-taken.
9 1984. Thank you. I appreciate that help.

10 BY MR. COHEN:

11 Q I was in error about the year. The year was 1984,
12 as Mr. Topel accurately remarked.

13 You were aware of this, this information, then, back
14 in 1984, I take it?

15 A Yes, sir.

16 Q Now, you notice that it states that David, referring
17 to you, is a Board member of our satellite division and this
18 is a document that's put out by TBN. Now, I read that to say
19 that you were a Board member of TBN's satellite division. Is
20 that the way you read that?

21 A Yes, sir. That's what it says.

22 Q And in 19-- in 1984 did you have occasion to read
23 it?

24 A More than likely I just glanced at it, sir.

25 Q Is, is that a, an accurate statement?

1 A That I just glanced at it? Yes, sir.

2 Q No, no, no, no, no. I don't dispute that at all.

3 Is it an accurate statement that you -- that David is a Board
4 member of our satellite division?

5 A I believe not, sir.

6 Q And in what respect is it not accurate?

7 A I don't really think I know what a satellite divi-
8 sion is.

9 Q But you never, you never raised this matter with,
10 with anybody at Trinity?

11 A I don't think I did, sir.

12 Q Okay.

13 A I -- Mr. Cohen, I vaguely remember wanting to ask,
14 and then it -- there were so many other things to do, I, I
15 just never did, sir.

16 Q Well, look at, look at Exhibit 82 now. This is
17 further on in the same book. And then look at page, page 12.
18 This is a Praise the Lord journal as of October '84. Do you
19 see that? That same squib. Do you see that?

20 A Yes, sir.

21 Q And I take it that you were, you were still receiv-
22 ing the Praise the Lord Newsletter in October of 1984?

23 A Yes, sir.

24 JUDGE CHACHKIN: During what period of time did you
25 receive the Praise the Lord Newsletter on a monthly basis, as

1 you say?

2 MR. ESPINOZA: Yes, sir. On a monthly basis.

3 JUDGE CHACHKIN: And during what period of time was

4 that?

5 MR. ESPINOZA: Well, I still receive it.

6 JUDGE CHACHKIN: You still receive it?

7 MR. ESPINOZA: Yes, sir.

8 JUDGE CHACHKIN: So, you received it all through the

9 late 1970s, all through the '80s, up to the current time?

10 MR. ESPINOZA: Yes, sir.

11 JUDGE CHACHKIN: Go ahead, Mr. Cohen.

12 MR. COHEN: And I -- thank you, Your Honor.

13 BY MR. COHEN:

14 Q And I take it, then, that you, you never brought to

15 Trinity's attention any difficulties you had with that squib

16 as it described you in October of 1984? Am I right, pastor?

17 A That's correct, sir.

18 Q And look at Exhibit 91. You have the wrong number.

19 91. Look -- excuse me.

20 (Pause.)

21 MR. COHEN: Pastor, look, if you would, at Exhibit

22 49, which is a Praise the Lord Newsletter back in April/May of

23 1982.

24 MR. TOPEL: That's going to be in Volume 1.

25 BY MR. COHEN:

1 Q Now, that's the same squib, is it not, pastor? On
2 page -- did I, did I tell you what page to look at?

3 A No, sir.

4 Q I'm sorry. I should have. It's page 17. Do you
5 see that?

6 A Yes, sir.

7 Q And the same question would be that you never
8 brought to Trinity's attention any, any difficulties you had
9 with that, that description of the program?

10 A No, I did not, sir.

11 Q And did you -- would you look at Exhibit 53, page
12 11? I want to ask you the same question.

13 A Yes, sir.

14 Q Again, you were receiving the Newsletter then, were
15 you not?

16 A Yes, sir.

17 Q And you didn't bring to Trinity's attention any, any
18 difficulties you had with that squib as it appeared therein?

19 A Well, Mr. Cohen, I didn't always read, read the
20 letter, sir.

21 JUDGE CHACHKIN: But it's not your testimony that
22 you were not aware of the description of your program --

23 MR. ESPINOZA: Oh, no. Not, not at all, sir.

24 BY MR. COHEN:

25 Q Well, pastor, that -- the Judge's question is what I

1 was going to ask you about. If you -- when you read it, is it
2 your testimony -- I want to be very --

3 A Sure.

4 Q -- give you every opportunity to be -- state your
5 understanding. Did you believe when you read it that it was
6 not an accurate description of the program or you?

7 A It was something that -- a term that I had not
8 heard. I assumed that it would have been a phrase, a termi-
9 nology, some other name that I was not aware of. But no, I
10 didn't question it, sir.

11 Q Well, what part of the, of the terminology were you
12 unsure about?

13 A The satellite division.

14 Q Now, you didn't -- did you -- you didn't know that
15 Trinity had a satellite division. Is that right?

16 A Not that I recall, sir, no.

17 Q I mean, during this period of time you were, you
18 were producing a program at Trinity?

19 A Yes, sir.

20 Q So, were you confused as to what the words "satel-
21 lite division" meant?

22 A Outside of, of the studio, there is a, a big dish,
23 and the term satellite is a term that, that I had heard be-
24 fore, so I just put two and two together and figured it was --
25 it represented some division or some name that was given to a

1 certain department, but I wasn't completely accurate about it,
2 sir.

3 Q Well, you didn't draft the -- that's not your lan-
4 guage?

5 A No. No. Not at all, sir.

6 Q I never suggested that you wrote that.

7 A No, not at all.

8 Q You understand that?

9 A Yes, sir.

10 Q I, I never said that you were the one that authored
11 that.

12 JUDGE CHACHKIN: But the only thing you were a Board
13 member of was National Minority, is that correct, sir?

14 MR. ESPINOZA: Yes, sir. That's correct.

15 JUDGE CHACHKIN: And, so, when you saw the term
16 Board member, you knew that they were referring to National
17 Minority as a satellite division of TBN, did you not?

18 MR. ESPINOZA: Yes, sir.

19 JUDGE CHACHKIN: And you had no objection to them
20 referring to National Minority as a satellite division of TBN,
21 did you?

22 MR. ESPINOZA: I felt they, they knew what they were
23 talking about.

24 JUDGE CHACHKIN: And you had no objection to them
25 describing your program and your position in that way? Isn't

1 that correct?

2 MR. ESPINOZA: That's correct, sir.

3 BY MR. COHEN:

4 Q Did you know while you were serving as a Director
5 that from 1980 to 19-- from the period 1980 through 1984, did
6 you know whether Paul Crouch was a -- an Officer and a
7 Director of TBN?

8 A Yes, sir.

9 Q During the same period of time, did you know whether
10 Jane Duff was an Officer and a Director of TBN?

11 A I'm not sure, sir. I really don't know.

12 Q Well, you can accept as a fact that Mrs. Duff was a
13 Director of TBN till sometime in 1984, when she resigned from
14 the TBN Board. That's a fact. You -- were you ever made
15 aware of what I just told you?

16 A Not that I recall, sir.

17 Q Now, pastor, isn't it true that you made it clear to
18 Paul Crouch when he asked you to become a Director of NMTV
19 that while you would be willing to help as much as you could,
20 that your first priority was to your church?

21 A Yes, sir.

22 Q And all during the time that you were a Director,
23 you always made it clear, didn't you, that your first obliga-
24 tion was to your church?

25 A Yes, sir.

1 Q And was, was that made clear to both Paul Crouch and
2 to Mrs. Duff?

3 A I think so.

4 Q I want to ask you just a few questions about Norman
5 Juggert. Do you know Norman Juggert?

6 A Yes, sir.

7 Q And do you know if he provided any legal services on
8 behalf of NMTV or its predecessor, TTI?

9 A I'm under the impression that he did, sir.

10 Q Do you know what services he provided?

11 A No, not really, other than he would appear at meet-
12 ings and, and take notes. That's when I would see him, sir.

13 Q Well, I want to ask you -- when you saw him appear-
14 ing in meetings and taking notes, did that raise a question in
15 your mind as to what his position was or his role was in TTI
16 and NMTV?

17 A No, not at all.

18 Q And that's because you saw him -- strike that. He
19 was a familiar face to you, wasn't he?

20 A I, I'd see him at, at the meetings. That's about
21 the only contact I had with him.

22 Q At the NMTV meetings?

23 A Yes, sir.

24 Q Well, wasn't he also a familiar face at -- around
25 the Trinity organization, as far as you knew?

1 A I would see him there.

2 Q Didn't you associate him with Trinity?

3 A Not necessarily, sir.

4 Q Did you know that he was Trinity's lawyer?

5 A I believe I did.

6 Q Did you know that he was a Board member of, of TBN?

7 A I don't think so, sir.

8 Q Well, did you think when he appeared at the NMTV

9 meetings that he had shown up without being invited?

10 A No. I, I just accepted that someone had asked him

11 to be there, sir.

12 Q And it didn't seem out of the ordinary that he would

13 be there?

14 A No.

15 Q Then you must have thought, then, that he had some

16 kind of a relationship to, to TTI, didn't you?

17 A Perhaps just legal help. I don't know. I just saw

18 him there. I never questioned it.

19 Q You never focused on it?

20 A No.

21 Q Are you aware of the fact that he prepared the

22 By-Laws and the Articles of NMTV, what was TTI?

23 A I don't think so.

24 Q Are you fam-- are you aware of the fact that he

25 prepared the, the name change application to the Secretary of

1 State, California?

2 A I don't think I was aware of it or I don't recall.

3 Q Were you ever made aware of any legal services that
4 he provided to NMTV?

5 A Not that I can remember, sir.

6 Q Okay. Do you know whether he was ever paid by NMTV
7 or TTI for any services he rendered?

8 A No, I do not know.

9 Q Would you look at paragraph 27 of your testimony?
10 MR. TOPEL: Pastor, that's in the blue binder.
11 MR. COHEN: That's it. That's right. You've got it
12 right in front of you.

13 MR. TOPEL: Tab in the back part of the binder --

14 MR. COHEN: Let me help you --

15 MR. ESPINOZA: Thank you.

16 MR. TOPEL: -- Tab 10-- Exhibit 106.

17 MR. ESPINOZA: There's so much to keep track of
18 here. It's a wonder you can do it.

19 MR. COHEN: What I wanted to ask you about is the
20 very -- six, six lines from the bottom, the sentence -- and
21 read it to yourself, "However, experience showed..." Do you
22 see that?

23 MR. TOPEL: Mr. Cohen, could you repeat again --

24 MR. COHEN: Sure.

25 MR. TOPEL: -- what page is that?

1 MR. COHEN: Sure. Page 18.

2 MR. ESPINOZA: Oh, you put it on 17.

3 MR. COHEN: I'm sorry. I'm sorry. The, the next
4 page. You see, "However, experience..."? That's how the
5 sentence begins, six lines from the bottom.

6 JUDGE CHACHKIN: No, no. From the -- last para-
7 graph. Let me help you. Let me help you.

8 MR. ESPINOZA: From here. Here we go.

9 JUDGE CHACHKIN: Right here. See?

10 MR. ESPINOZA: Okay.

11 BY MR. COHEN:

12 Q Read that to yourself.

13 A Yes, sir.

14 Q What was the experience that you had reference to
15 there?

16 A Simply that I could not always be present to sign
17 checks.

18 Q Well, you, you never, you never, in point of fact,
19 ever did sign the checks?

20 A No, sir.

21 Q And did, did you ever give any consideration to
22 whether checks could be mailed to you?

23 A That, that wouldn't have been -- seemed logical to
24 me at all.

25 Q Did you have any -- ever give consideration to